

EXHIBIT 1

25

LC 49 2383S

Senate Bill 1

By: Senators Dolezal of the 27th, Kennedy of the 18th, Gooch of the 51st, Beach of the 21st, Robertson of the 29th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to
2 enact the "Riley Gaines Act of 2025"; to provide generally for competitively fair and safe
3 student participation in school and college sports; to provide for legislative findings and
4 intent; to promote fair and safe competition; to provide for equal athletic opportunities and
5 safety; to provide for specific designations of teams operated or sponsored by local school
6 systems, public schools, participating private schools, and postsecondary educational
7 institutions in this state; to prohibit males from participating in interscholastic and
8 intercollegiate competitions on teams designated as female; to prohibit females from
9 participating in competition on intercollegiate teams designated as male, subject to
10 exceptions; to provide for such exceptions; to provide for interscholastic coed team
11 designations; to provide for the use of student eligibility rules, standards, and classifications;
12 to provide for exceptions to general provisions; to require multiple occupancy restrooms and
13 changing areas and sleeping quarters to be designated for exclusive use by males or females;
14 to provide for reasonable accommodations; to provide for exceptions; to prohibit
15 postsecondary educational institutions that are covered entities from hosting or sponsoring
16 intercollegiate competitions that allow males to participate with teams designated as female
17 or use multiple occupancy restrooms or changing areas and sleeping quarters designated for
18 use by females; to prohibit such covered entities from awarding to males scholarships

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19 intended for female team members; to provide for policies, rules, and regulations; to provide
20 for investigation of complaints of noncompliance; to provide for sanctions; to provide for a
21 cause of action; to provide for definitions; to provide for statutory construction; to provide
22 for a short title; to provide for related matters; to repeal conflicting laws; and for other
23 purposes.

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

25 **SECTION 1.**

26 This Act shall be known and may be cited as the "Riley Gaines Act of 2025."

27 **SECTION 2.**

28 (a) The General Assembly finds that:

29 (1) There are inherent physical differences between males and females;
30 (2) Decisions regarding the regulation of sports should be based on promoting and
31 preserving competitive fairness and protecting student safety;
32 (3) Protecting student athletes from harm and promoting and preserving the competitive
33 fairness of sports are important state interests; and
34 (4) Requiring the designation of separate, sex-specific athletic teams and sports is
35 necessary to protect student athletes from harm and to promote and preserve the
36 competitive fairness of sports.

37 (b) It is the intent of the General Assembly that:

38 (1) Student athletes have competitively fair and safe opportunities to participate and
39 succeed in sports; and
40 (2) Female student athletes have fair opportunities to demonstrate their strength, skills, and
41 athletic abilities and to obtain recognition, accolades, college scholarships, and the
42 numerous other long-term benefits that result from participating and competing in sports.

43

SECTION 3.

44 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in
45 Part 14 of Article 6 of Chapter 2, relating to other educational programs under the "Quality
46 Basic Education Act," by revising Code Section 20-2-315, relating to gender discrimination
47 prohibited, authorized separate gender teams, equal athletic opportunity, physical education
48 classes, employee designated to monitor compliance, grievance procedures, and reporting
49 requirements, as follows:

50 "20-2-315.

51 (a) This Code section shall be known and may be cited as the 'Riley Gaines Act.'

52 (b) As used in this Code section, the term:

53 (1) 'Coed' means the inclusion of both males and females.

54 (2) 'Compete,' 'competitive,' or 'competition' means a contest, game, match, tournament,
55 or jamboree of teams in a sport. Such term shall not include practices, exhibitions, or
56 scrimmages.

57 (3) 'Contact sport' means a sport the purpose or a substantial component of which
58 involves bodily contact. Such term includes, but shall not be limited to, basketball,
59 boxing, football, ice hockey, lacrosse, martial arts, soccer, softball, rugby, volleyball, and
60 wrestling.

61 (4) 'Covered entity' means local school systems, public schools, and participating private
62 schools.

63 (5) 'Female' means an individual who has, had, will have, or, but for a developmental
64 or genetic anomaly or historical accident, would have the reproductive system capable
65 of producing human ovum.

66 (6) 'Male' means an individual who has, had, will have, or, but for a developmental or
67 genetic anomaly or historical accident, would have the reproductive system capable of
68 producing human sperm.

69 (7) 'Multiple occupancy restroom or changing area' means an area in a covered entity's
70 building that is designed or designated to be used by one or more individuals of the same
71 sex at the same time and in which one or more individuals may be in various stages of
72 undress in the presence of other individuals. Such term includes, but shall not be limited
73 to:

- 74 (A) Restrooms;
- 75 (B) Locker rooms;
- 76 (C) Changing rooms; and
- 77 (D) Shower rooms.

78 (8) 'Participating private school' means a private school in this state which operates or
79 sponsors one or more teams that compete against one or more teams operated or
80 sponsored by a local school system or public school in this state or that participate in
81 competitions that are organized, sanctioned, or scheduled by an athletic association with
82 members that include public schools.

83 (9) 'Sex' means an individual's biological sex, either male or female. An individual's sex
84 can be observed or clinically verified at or before birth and in no case is an individual's
85 sex determined by stipulation or self-identification.

86 (10) 'Sleeping quarters' means a room or other limited access designated space within a
87 building or facility, such as a limited access designated space within a gymnasium,
88 cafeteria, or auditorium or other performance space, in which more than one individual
89 is housed overnight.

90 (11) 'Sport' means an organized activity involving skill and physical effort undertaken
91 by one or more teams according to established rules. Such term includes each such
92 organized activity regardless of whether it is designated as a sport, an activity, or another
93 similar designation by an athletic association that meets the requirements of Code
94 Sections 20-2-316 through 20-2-316.3, 20-2-319, and 20-2-319.6.

95 (12) 'Student athlete' means a student enrolled at a covered entity who participates or is
96 eligible to participate on any sport or team. A student who is permanently ineligible to
97 participate on a particular sport or team is not a student athlete for the purposes of such
98 sport or team.

99 (13) 'Team' means a single student or a group of students operated and sponsored by a
100 covered entity for the purpose of participating in a sport.

101 (a)(c)(1) No student shall, on the basis of ~~sex~~ gender, be excluded from participation in,
102 be denied the benefits of, be treated differently from another student, or otherwise be
103 discriminated against in any interscholastic or intramural athletics offered ~~sport~~ operated
104 or sponsored by a local school system ~~or a public school~~, and no local school system shall
105 provide any such athletics separately on such basis.

106 (b)(2) ~~A~~ Notwithstanding the requirements of subsection (a) of this Code section, a local
107 school system ~~or public school~~ shall be authorized to ~~may~~ operate or sponsor separate
108 teams for members of each ~~gender~~ ~~sex~~ where selection for such teams is based upon
109 competitive skill, ~~competitive~~ fairness, student safety, or the activity ~~sport~~ involved is a
110 contact sport. However, where a local school system operates or sponsors a team in a
111 particular sport for members of one gender but operates or sponsors no such team for
112 members of the other gender, and athletic opportunities for members of that gender in
113 that particular sport have previously been limited, members of the excluded gender must
114 be allowed to try out for the team offered unless the sport involved is a contact sport.
115 Nothing in this subsection shall be construed to limit the authority of a local school
116 system to operate or sponsor a single team for a contact sport that includes members of
117 both genders. As used in this subsection, the term 'contact sport' includes boxing,
118 wrestling, rugby, ice hockey, football, basketball, and any other sport the purpose or
119 major activity of which involves bodily contact.

120 (d)(1) For all interscholastic competitions, each covered entity shall designate each team
121 operated or sponsored by such covered entity as one of the following:

122 (A) Male;

123 (B) Female; or

124 (C) Coed.

125 (2) Males shall not be allowed to participate in any interscholastic competition on any
126 team that is designated as female.

127 (3) Females shall not be allowed to participate in any interscholastic competition on any
128 team that is designated as male; provided, however, that females may be allowed to
129 participate in an interscholastic competition on a team that is designated as male if a
130 corresponding team designated for females is not offered or available for interscholastic
131 competitions.

132 (4) Any student shall be allowed to participate in any interscholastic competition on a
133 team that is designated as coed.

134 (5) Nothing in this subsection shall be construed to prohibit males from participating in
135 practices, exhibitions, or scrimmages with teams designated as female.

136 (6) Nothing in this subsection shall be construed to authorize a covered entity or an
137 athletic association, as such term is defined in Code Section 20-2-316, to verify or
138 confirm a student's sex through visual inspection of such student's external sex organs for
139 purposes of participation in competitions; provided, however, that this paragraph shall
140 not prohibit reliance on medical records or other standard school medical procedures to
141 verify or confirm a student's sex.

142 (f)(e)(1) A local school system or public school which operates or sponsors
143 interscholastic or intramural athletics teams shall undertake all reasonable efforts to
144 provide equal athletic opportunity for members of both genders sexes. In determining
145 whether equal opportunities are available, the following factors shall be considered:

146 (1)(A) Whether the selection of sports and levels of competition effectively
147 accommodate the interests and abilities of members of both genders sexes;
148 (2)(B) The provision of equipment and supplies;

149 (3)(C) Scheduling of games and practice time;
150 (4)(D) Travel allowance;
151 (5)(E) Opportunity to receive coaching and academic tutoring;
152 (6)(F) Assignment and compensation of coaches and tutors;
153 (7)(G) Provision of ~~locker rooms~~ multiple occupancy restroom or changing areas and
154 practice and competitive facilities;
155 (8)(H) Provision of medical and training facilities and services; and
156 (9)(I) Publicity.

157 (2) Unequal aggregate expenditures for members of each ~~gender sex~~ or unequal
158 expenditures for male and female teams if a local school system or public school operates
159 or sponsors separate teams ~~will~~ shall not constitute noncompliance with this subsection;
160 ~~but; provided, however, that~~ the failure to provide essential funds for the basic operations
161 of teams for one ~~gender sex~~ may be considered in assessing equality of opportunity for
162 members of each ~~gender sex~~.

163 (3) Nothing in Code Section 20-2-411 shall be construed to limit the authority of a local
164 school system or public school to expend school tax funds as authorized by Article VIII,
165 Section VI, Paragraph I(b) of the Constitution in order to comply with the requirements
166 of this Code section.

167 ~~(d)(f)(1) Each covered entity shall A local school system may provide separate toilet,~~
168 ~~locker room, and shower facilities multiple occupancy restrooms or changing areas and~~
169 ~~sleeping quarters~~ on the basis of gender, ~~but sex, and~~ such facilities shall be comparable
170 to such facilities provided for students of the other ~~gender sex~~.

171 (2)(A) No covered entity shall operate or sponsor one or more teams in any
172 interscholastic competition involving a local school system or public school that
173 permits a male to use any multiple occupancy restroom or changing area or sleeping
174 quarters designated for females in conjunction with such competition.

175 (B) No covered entity shall operate or sponsor one or more teams in any interscholastic
176 competition involving a local school system or public school that permits a female to
177 use any multiple occupancy restroom or changing area or sleeping quarters designated
178 for males in conjunction with such competition.

179 (3)(A) To ensure the privacy and safety of student athletes, each covered entity that
180 operates or sponsors one or more teams in any interscholastic competition involving a
181 local school system or public school shall, in conjunction with such competition:

- 182 (i) Designate each multiple occupancy restroom or changing area and sleeping
183 quarters for exclusive use by males or for exclusive use by females; and
184 (ii) Provide a reasonable accommodation to individuals who are unwilling or unable
185 to use a multiple occupancy restroom or changing area or sleeping quarters designated
186 for each such individual's sex.

187 (B) A reasonable accommodation under this paragraph may include, but shall not be
188 limited to, allowing such individual to access a single occupancy restroom or changing
189 area or sleeping quarters.

190 (C) A reasonable accommodation under this paragraph shall not include allowing such
191 individual to access a multiple or single occupancy restroom or changing area or
192 sleeping quarters that is designated for use by members of the other sex while members
193 of the other sex of the individual are present or may be present in such restroom or
194 changing area or sleeping quarters.

195 (4) Nothing in this subsection shall be construed or applied to prohibit an individual from
196 entering a multiple occupancy restroom or changing area designated for use by
197 individuals of the opposite sex when he or she enters such area for one of the following
198 reasons:

- 199 (A) For authorized custodial, maintenance, or inspection purposes;
- 200 (B) To render emergency medical assistance;

201 (C) To address an ongoing emergency, including, but not limited to, a physical
202 altercation;

203 (D) A minor child is accompanied by his or her parent or legal guardian who deems
204 such entry necessary for the child's safety, welfare, or assistance; or

205 (E) The performance of official duties and responsibilities as authorized coaches and
206 trainers for purposes directly related to a competition or other official activity of a team,
207 including practice.

208 (5)(A) Except as provided in subparagraph (B) of this paragraph, a covered entity that
209 sponsors or supervises an overnight trip in conjunction with a competition involving
210 public school students shall ensure that each public school student attending such
211 overnight trip either:

212 (i) Shares sleeping quarters with a member or, if necessary, multiple members, of the
213 same sex; or

214 (ii) Is provided single-occupancy sleeping quarters.

215 (B) A public school student attending an overnight trip in conjunction with a
216 competition may share sleeping quarters with a member of the opposite sex if the
217 member of the opposite sex is a member of such student's immediate family.

218 (e)(g) This Code section does shall not prohibit the grouping of students in physical
219 education classes by gender sex.

220 (f)(h)(1) Subject to the provisions of paragraph (3) of this subsection, if a local school
221 system or public school sponsors an athletic activity or a sport at a particular school that
222 is similar to a sport for which an institution in the University System of Georgia offers
223 an athletic scholarship, it must shall sponsor the athletic activity or sport for which a
224 scholarship is offered at that school. This paragraph does shall not affect academic
225 requirements for participation nor prevent the local school system or public school from
226 sponsoring activities in addition to those for which scholarships are provided.

227 (2) Two athletic activities or sports that are similar may be offered simultaneously.

228 (3) If a local school system or public school demonstrates by a bona fide survey of
229 eligible students at the school, which is approved by the Department of Education for
230 compliance with generally accepted opinion survey principles regarding neutral wording
231 and other matters, that there is insufficient interest among students at the school to field
232 a team described in paragraph (1) of this subsection, then the local school system or
233 public school shall not be required to sponsor such ~~athletic activity or~~ sport at that school.
234 The exemption provided for by this paragraph shall be valid for 24 months following the
235 date when the most recent bona fide student survey demonstrating a lack of student
236 interest was completed, unless a new bona fide student survey is conducted within the 24
237 month period that demonstrates sufficient interest to field a team. If such a new bona fide
238 student survey demonstrates such sufficient interest, then the local school system or
239 public school shall must comply with paragraph (1) of this subsection during the ~~local~~
240 ~~school system's~~ next fiscal school year and until such time as a new bona fide student
241 survey demonstrates insufficient interest to field a team described in paragraph (1) of this
242 subsection. A local school system or public school shall conduct the bona fide student
243 survey described in this paragraph regarding interest in a team described in paragraph (1)
244 of this subsection upon the request of nine students at the school, but no more frequently
245 than once every 12 months.

246 (4) Nothing in this subsection shall be construed to preclude the application of generally
247 applicable policies or rules regarding the cancellation of ~~an athletic activity or a~~ sport due
248 to lack of student participation in scheduled practices or contests competitions.

249 (g)(i) Each ~~local school system~~ covered entity shall designate at least one employee to
250 coordinate its efforts to comply with and carry out its responsibilities under this Code
251 section, including the investigation of any complaint communicated to such ~~local school~~
252 system covered entity alleging its noncompliance with this Code section. The employee
253 designated under this subsection may be the same person individual required to be
254 designated under 34 C.F.R. Section 106.8, as it existed on June 30, 2024. Each covered

255 entity The local school system annually shall annually notify all its students of the name,
256 office address, and office telephone number of the employee or employees appointed
257 pursuant to this subsection. Such notification may be included in a student handbook code
258 of conduct distributed pursuant to Code Section 20-2-736.

259 (h)(j) Each local school system covered entity shall adopt and publish grievance
260 procedures providing for prompt and equitable resolution of written student complaints,
261 including complaints brought by a parent or guardian on behalf of his or her minor child
262 who is a student, alleging any action which would be a violation of this Code section. Such
263 procedures shall require that:

264 (1)(A) Except as provided in subparagraph (B) of this paragraph, the The employee
265 designated under subsection (g)(i) of this Code section shall render his or her decision
266 in writing no later than 30 days after receipt of the complaint, and such decision shall
267 set forth the essential facts and rationale for the decision;

268 (B)(i) A student who is aggrieved by an alleged violation or anticipated violation of
269 this Code section or his or her parent or guardian shall have a right to file a complaint
270 with the employee designated in subsection (i) of this Code section with a request for
271 an expedited preliminary determination as to whether a violation of this Code section
272 exists or is about to occur.

273 (ii) If an alleged violation or anticipated violation of this Code section is
274 preliminarily determined by the employee designated in subsection (i) of this Code
275 section to have occurred or is reasonably likely to occur, such designated employee
276 shall issue a preliminary decision immediately and shall be authorized to direct in
277 writing that the alleged violation or anticipated violation cease and desist pending a
278 final resolution of such complaint.

279 (iii) If a complaint with a request for an expedited preliminary determination brought
280 pursuant to this subparagraph is rejected in whole or in part by the employee
281 designated in subsection (i) of this Code section, such designated employee shall

282 render his or her decision rejecting such complaint in writing to the complainant, and
283 such decision shall set forth the essential facts and rationale for the decision;

284 (2) A copy of such decision shall be provided to the complainant ~~within five days of as~~
285 ~~soon as practicable but not later than the second business day following~~ the date of the
286 decision; and

287 (3) A complainant shall have a right to appeal such decision to the local board of
288 education or other public school governing body, in the case of a public school, or the
289 participating private school's governing body, in the case of a participating private school,
290 within 35 days of the date of the decision. A ruling on such appeal shall be rendered in
291 writing in writing no later than 35 days after receipt of the appeal, and such decision shall
292 set forth the essential facts and rationale for the ruling.

293 (f)(k)(1) A complainant may appeal a decision ~~of a local board~~ that is rendered under
294 subsection (f)(j) of this Code section in accordance with the procedures specified in
295 Code Section 20-2-1160. If the State Board of Education determines that a local school
296 system or public school has failed to comply with this Code section, then the state board
297 shall provide the local school system or public school with opportunities to prepare a
298 corrective plan. If the state board determines that a corrective plan of the local school
299 system or public school adequately plans and provides for future compliance with this
300 Code section, then the state board shall approve the plan and direct the local school
301 system or public school to implement such plan.

302 (2) If, upon a complaint filed pursuant to subsection (f)(j) of this Code section after one
303 year following the date of a state board order directing implementation of a corrective
304 plan pursuant to paragraph (1) of this subsection but within four years of the date of such
305 order, the state board determines that the local school system or public school which was
306 subject to such order has willfully failed to comply with this Code section, the state board
307 may, after consideration of the local school system's or public school's efforts to
308 implement the corrective plan approved in the earlier proceeding and of any other

309 corrective plan that may be submitted by the local school system or public school,
310 transmit a certification of such determination to the Department of Community Affairs.
311 If the state board's determination of noncompliance is later reversed or vacated upon
312 appeal, the state board shall immediately notify the Department of Community Affairs
313 of such action.

314 (3) If, upon a complaint filed pursuant to subsection (h) (j) of this Code section after one
315 year following the date of a state board certification to the Department of Community
316 Affairs pursuant to paragraph (2) of this subsection but within four years of the date of
317 such order, the state board determines that the local school system or public school which
318 was subject to such order has willfully failed to comply with this Code section, the state
319 board may, after consideration of the local school system's or public school's efforts to
320 implement a corrective plan approved in an earlier proceeding and of any other corrective
321 plan that may be submitted by the local school system or public school, order that a team
322 or teams within the local school system or public school within the local school system
323 shall not participate in interscholastic postseason ~~athletic contests~~ competitions and that
324 participation in violation of such an order may result in withholding of state funds allotted
325 pursuant to Code Section 20-2-186. An order of the state board barring participation in
326 interscholastic postseason ~~athletic contests~~ competitions shall be made and announced
327 before the beginning of a school year.

328 (4) If, upon a complaint filed pursuant to subsection (h) (j) of this Code section after one
329 year following the date of a state board order prohibiting participation in interscholastic
330 postseason ~~athletic contests~~ competitions pursuant to paragraph (3) of this subsection but
331 within four years of the date of such order, the state board determines that the local
332 school system or public school which was subject to such order has willfully failed to
333 comply with this Code section, the state board may, after consideration of the local school
334 system's or public school's efforts to implement a corrective plan approved in an earlier
335 proceeding and of any other corrective plan that may be submitted by the local school

336 system or public school, withhold state funds that are allotted pursuant to Code
337 Section 20-2-186 in an amount that the state board determines is sufficient to secure the
338 local school system's or public school's compliance with this Code section. In the event
339 that state funds are withheld pursuant to this paragraph, such funds shall later be allotted
340 to the local school system or public school at such time as the state board determines that
341 the local school system or public school is in compliance with this Code section.

342 (f)(1) The Department of Education may publish an annual report of local school systems
343 and public schools which may to include information regarding expenditures and
344 participation rates for each gender sex and such other information as the state board and
345 department deem relevant.

346 (m)(1) In addition to any other rights or remedies otherwise provided by law, any
347 student:

348 (A) Who is deprived of an athletic opportunity or suffers any harm as a result of a
349 violation of this Code section shall have a private cause of action for injunctive relief,
350 damages, and any other relief available under law. If an aggrieved student or such
351 student's parent or guardian is the prevailing party in such action, such student or such
352 student's parent or guardian shall be entitled to an award of monetary damages,
353 including for any psychological, emotional, or physical harm suffered, reasonable
354 attorney's fees, court costs, and expenses of litigation, and any other appropriate relief;
355 or

356 (B) Who is subject to retaliation or other adverse action by a covered entity or a local,
357 state, regional, or national athletic conference or association as a result of reporting a
358 violation of this Code section to an employee or representative such covered entity,
359 athletic association or conference, or to any state or federal agency with oversight over
360 covered entities in this state, shall have a private cause of action for injunctive relief,
361 damages, and any other relief available under law. If an aggrieved student or such
362 student's parent or guardian is the prevailing party in such action, the student or

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student's parent or guardian is the prevailing party in such action, such student shall be entitled to an award of monetary damages, including for any psychological, emotional, or physical harm suffered, reasonable attorney's fees, court costs, and expenses of litigation, and any other appropriate relief.

367 (2) All civil actions brought under this subsection shall be initiated within two years after
368 the alleged harm occurred.

369 (n) Nothing in this Code section shall be construed to authorize or require a local school
370 system, a public school, or any employee or agent thereof to confirm the sex of a student
371 by visual inspection of such student's exterior sex organs.

372 (o) Nothing in this Code section shall be construed to abrogate or otherwise affect the
373 operation or application of the federal Individuals with Disabilities Education Act (IDEA),
374 Section 504 of the federal Rehabilitation Act of 1973, or the federal Americans with
375 Disabilities Act of 1990."

SECTION 4.

377 Said title is further amended in said part by revising paragraph (1) of subsection (b) and
378 subparagraph (c)(1)(E) of Code Section 20-2-316, relating to involvement of athletic
379 association in high school athletics, as follows:

380 "(1) The athletic association shall comply with the requirements of subsections (a)
381 through ~~(f)~~ (h) of Code Section 20-2-315, as those requirements relate to the athletic
382 association's functions of organizing, sanctioning, scheduling, or rule making for events
383 in which public high schools participate;"

384 "(E) The authority and duties of the executive oversight committee shall include:

- (i) To meet in person or remotely not less than twice each school year;
- (ii) To meet in person or remotely upon the call of the chairperson or a majority of the executive oversight committee;
- (iii) To establish policies and procedures for the executive oversight committee;

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389 (iv) To conduct any independent audit, review, or investigation the executive
390 oversight committee deems necessary, including, but not limited to, the audit, review,
391 or investigation of the classifications of participating schools and ~~travel-related travel~~
392 ~~related~~ issues of participating schools; and
393 (v) If the athletic association determines that it is necessary and appropriate to
394 prohibit students whose gender is male from participating in athletic events that are
395 designated for students whose gender is female, then the athletic association may
396 adopt a policy to that effect; provided, however, that such policy shall be applied to
397 all of the athletic association's participating public high schools; and
398 (vi) To conduct an annual evaluation of the athletic association as a whole and
399 present a report of its findings, recommendations, and conclusions to the General
400 Assembly's High School Athletics Overview Committee; and"

401 SECTION 5.

402 Said title is further amended in Article 1 of Chapter 3, relating to postsecondary education
403 generally, by designating Code Section 20-3-1, relating to definitions, as Part 1, and by
404 adding a new part to read as follows:

405 "Part 3

406 20-3-15.

407 As used in this part, the term:

408 (1) 'Competition' means a contest, game, match, tournament, or jamboree of teams in a
409 sport. Such term shall not include practices, exhibitions, or scrimmages.
410 (2) 'Covered entity' means Georgia state schools and participating nonstate schools.

411 (3) 'Female' means an individual who has, had, will have, or, but for a developmental or
412 genetic anomaly or historical accident, would have the reproductive system capable of
413 producing human ovum.

414 (4) 'Georgia state school' means a postsecondary educational institution which is:
415 (A) An institution of the University System of Georgia; or
416 (B) A unit of the Technical College System of Georgia.

417 (5) 'Governing body' means the individual or entity responsible for establishing the
418 policies, rules, and regulations for a covered entity, including, but not limited to, such
419 policies, rules, and regulations for the operation of such covered entity's athletic
420 department, if any, and the operation or sponsorship of such covered entity's
421 intercollegiate competitions, sports, and teams. Such term shall not include any local,
422 state, regional, or national athletic conference or athletic association.

423 (6) 'Male' means an individual who has, had, will have, or, but for a developmental or
424 genetic anomaly or historical accident, would have the reproductive system capable of
425 producing human sperm.

426 (7) 'Multiple occupancy restroom or changing area' means an area in a postsecondary
427 educational institution's building that is designed or designated to be used by one or more
428 individuals of the same sex at the same time and in which one or more individuals may
429 be in various stages of undress in the presence of other individuals. Such term includes,
430 but shall not be limited to:

- 431 (A) Restrooms;
- 432 (B) Locker rooms;
- 433 (C) Changing rooms; and
- 434 (D) Shower rooms.

435 (8) 'Participating nonstate school' means a private postsecondary educational institution
436 that is eligible for tuition equalization grants in accordance with the provisions of Code
437 Section 20-3-411 or any other private or public postsecondary educational institution that

438 is not a Georgia state school whose students or teams participate in intercollegiate
439 competitions against students or teams from a Georgia state school in this state; provided,
440 however, that such term shall apply to such an institution only when and to the extent that
441 such institution is participating in an intercollegiate competition against a Georgia state
442 school in this state; and provided, further, that such term shall not apply to institutions
443 when participating in intercollegiate competitions in this state exclusively against one or
444 more other such institutions.

445 (9) 'Sex' means an individual's biological sex, either male or female. An individual's sex
446 can be observed or clinically verified at or before birth and in no case is an individual's
447 sex determined by stipulation or self-identification.

448 (10) 'Sleeping quarters' means a room or other limited access designated space within a
449 building or facility, such as a limited access designated space within a gymnasium,
450 cafeteria, or auditorium or other performance space, in which more than one individual
451 is housed overnight.

452 (11) 'Sport' means an organized activity involving skill and physical effort undertaken
453 by one or more teams according to established rules.

454 (12) 'Student athlete' means a student enrolled at a covered entity who participates in or
455 is eligible to participate on any sport or team. A student who is permanently ineligible
456 to participate on a particular sport or team is not a student athlete for the purposes of such
457 sport or team.

458 (13) 'Team' means a single student or a group of students operated and sponsored by a
459 covered entity for the purpose of participating in a sport.

460 20-3-16.

461 (a) Each governing body in this state shall adopt such policies, rules, and regulations as
462 necessary to ensure the following for all intercollegiate competitions involving covered
463 entities in this state:

464 (1) Each covered entity shall designate each team operated or sponsored by such covered
465 entity as one of the following:

466 (A) Male; or

467 (B) Female;

468 (2)(A) Males shall not be allowed to participate in any intercollegiate competition in
469 this state on any team that is designated as female.

470 (B) Females shall not be allowed to participate in any intercollegiate competition in
471 this state on any team that is designated as male; provided, however, that females may
472 be allowed to participate in an intercollegiate competition in this state on a team that
473 is designated as male if a corresponding team designated for females is not offered or
474 available for intercollegiate competitions;

475 (3)(A) Multiple occupancy restrooms or changing areas and sleeping quarters shall be
476 available to student athletes on the basis of sex and such facilities shall be comparable
477 to such facilities provided for students of the other sex.

478 (B) No covered entity shall operate or sponsor one or more teams in any intercollegiate
479 competition in this state that permits a male to use any multiple occupancy restroom or
480 changing area or sleeping quarters designated for use by females in conjunction with
481 such competition.

482 (C) No covered entity shall operate or sponsor one or more teams in any intercollegiate
483 competition in this state that permits a female to use any multiple occupancy restroom
484 or changing area or sleeping quarters designated for use by males in conjunction with
485 such competition.

486 (D) To ensure the privacy and safety of student athletes, each covered entity that
487 operates or sponsors one or more teams in any intercollegiate competition shall, in
488 conjunction with such competition:

489 (i) Designate each multiple occupancy restroom or changing area and sleeping
490 quarters for exclusive use by males or for exclusive use by females; and

491 (ii) Provide a reasonable accommodation to individuals who are unwilling or unable
492 to use a multiple occupancy restroom or changing area or sleeping quarters designated
493 for each such individual's sex; and

494 (E)(i) A reasonable accommodation under this paragraph may include, but shall not
495 be limited to, allowing such individual to access a single occupancy restroom or
496 changing area or sleeping quarters.

497 (ii) A reasonable accommodation under this paragraph shall not include allowing
498 such individual to access a multiple or single occupancy restroom or changing area
499 or sleeping quarters that is designated for use by members of the other sex while
500 members of the other sex of the individual are present or may be present in such
501 restroom or changing area or sleeping quarters;

502 (4) No covered entity shall host, sponsor, or participate in any intercollegiate competition
503 in this state that permits a male to:

504 (A) Participate in any intercollegiate competition in this state on any team that is
505 designated as female; or

506 (B) Use any multiple occupancy restroom or changing area or sleeping quarters
507 designated for use by females in conjunction with such competition;

508 (5) Nothing in subparagraph (a)(3)(D) or (a)(4)(B) of this Code section shall be
509 construed or applied to prohibit an individual from entering a multiple occupancy
510 restroom or changing area designated for use by individuals of the opposite sex when he
511 or she enters such area for one of the following reasons:

512 (A) For authorized custodial, maintenance, or inspection purposes;

513 (B) To render emergency medical assistance;

514 (C) To address an ongoing emergency, including, but not limited to, a physical
515 altercation;

516 (D) A minor child is accompanied by his or her parent or legal guardian who deems
517 such entry necessary for the child's safety, welfare, or assistance; or

518 (E) The performance of official duties and responsibilities as authorized coaches and
519 trainers for purposes directly related to a competition or other official activity of a team,
520 including practice; and

521 (6) No covered entity shall award to a male an athletic scholarship allocated to,
522 associated with, or otherwise intended for a female team member.

523 (b) Nothing in this Code section shall be construed to prohibit males from participating in
524 practices, exhibitions, or scrimmages with teams designated as female; provided, however,
525 that nothing in this subsection shall be construed to permit a male to receive a scholarship
526 in conjunction with such participation.

527 (c) Nothing in this Code section shall be construed to authorize a covered entity or
528 governing body to verify or confirm a student athlete's sex through visual inspection of
529 such student athlete's external sex organs for purposes of participation in competitions;
530 provided, however, that this paragraph shall not prohibit reliance on medical records or
531 other standard school medical procedures to verify or confirm a student's athlete's sex.

532 (d) Any covered entity or governing body that violates any provision of subsection (a) of
533 this Code section shall be subject to the withholding of state funding. Such withholding
534 of state funding may include funds provided to one or more postsecondary educational
535 institutions or governing bodies directly, as well as funding for scholarships, loans, and
536 grants pursuant to this chapter for students of such postsecondary educational institutions.

537 (e)(1) In addition to any other rights or remedies otherwise provided by law, any student:

538 (A) Who is deprived of an athletic opportunity or suffers any harm as a result of a
539 violation of this Code section shall have a private cause of action for injunctive relief,
540 damages, and any other relief available under law. If an aggrieved student is the
541 prevailing party in such action, such student shall be entitled to an award of monetary
542 damages, including for any psychological, emotional, or physical harm suffered,
543 reasonable attorney's fees, court costs, and expenses of litigation, and any other
544 appropriate relief; or

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545 (B) Who is subject to retaliation or other adverse action by a covered entity, a
546 governing body, or a local, state, regional, or national athletic conference or athletic
547 association as a result of reporting a violation of this Code section to an employee or
548 representative such covered entity, governing body, athletic conference or athletic
549 association, or to any state or federal agency with oversight over postsecondary
550 educational institutions in this state, shall have a private cause of action for injunctive
551 relief, damages, and any other relief available under law. If an aggrieved student is the
552 prevailing party in such action, such student shall be entitled to an award of monetary
553 damages, including for any psychological, emotional, or physical harm suffered,
554 reasonable attorney's fees, court costs, and expenses of litigation, and any other
555 appropriate relief.

556 (2) All civil actions brought under this subsection shall be initiated within two years after
557 the alleged harm occurred.

558 (f) Nothing in this Code section shall be construed to abrogate or otherwise affect the
559 operation or application of Section 504 of the federal Rehabilitation Act of 1973, the
560 federal Americans with Disabilities Act of 1990, or the federal Health Insurance Portability
561 and Accountability Act of 1996, P.L. 104-191."

562 SECTION 6.

563 All laws and parts of laws in conflict with this Act are repealed.